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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): RD-26408-5

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on February 10, 2006

Signature: [signature]

Typed or printed name: Charles H. Livingston

Application Number	Filed
10/632,741	August 1, 2006

First Named Inventor: John Frederick Ackerman

Art Unit	Examiner
1746	Perrin, Joseph L.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 53,933
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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February 10, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

Express Mail No. EV 770037823 US

RD-26408-5
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Frederick Ackerman et al.

Serial No.: 10/632,741

Filed: August 1, 2003

For: APPARATUS FOR WASHING GAS TURBINE ENGINES

Art Unit: 1746

Examiner: Perrin, Joseph L.

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

The rejection of Claims 6, 7, 9-12, and 13-16 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

In contrast to the Examiner's assertion that "applicant's original disclosure is not enabled for a first fluid being an anti-static fluid", Applicants respectfully submit that it does not matter which fluid is referred to as a first and/or a second fluid, but rather that an anti-static fluid and/or a water-based cleaning solution may each be considered to be a first and/or the second fluid. Moreover, independent Claims 6 and 12 have each been amended to recite "wherein one of said first and second fluids comprises an anti-static liquid that facilitates reducing a rate of formation of particulate matter within the gas turbine engine." Additionally, independent Claims 6 and 12 have also each been amended to positively recite a second fluid. Specifically, Claims 6 and 12 have each been amended to recite "a first fluid contained within a first reservoir" and "a second fluid contained within one of the first reservoir and a second reservoir". Accordingly, Applicants respectfully submit that Claims 6 and 12, as amended, satisfy the requirements of Section 112.

The Examiner has asserted that "the different species of liquids defining "anti-static" critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure." Specifically, the Examiner argues that:

"the specification does not provide guidance with respect to any working examples (species) of anti-static liquids. Furthermore, the specification fails to provide guidance as to how to obtain such measurements for anti-static properties so as to define the meets and bounds of patent protection sought, apparently attempting to improperly incorporate by reference such anti-static liquids as commercially available. What liquids constitute an 'anti-static liquid'? Without such information on what species of liquids fall within the scope of applicant's broad 'anti-static liquid', one of ordinary skill in the art could not predict which liquids out of the vast number of known liquids would have anti-static properties and, accordingly, one of ordinary skill in the art would be required to perform undue experimentation to identify whether a liquid would have 'anti-static properties even though no threshold (i.e. 'anti-static' measurement and/or range) is disclosed. Therefore, one skilled in the art could not make and/or use the invention."

However, page 4 of the Applicants' specification, for example, states that "the second liquid coats compressor blades (now shown) within compressor assembly 14 to facilitate suppressing an attraction of electrostatically-attracted particles to the compressor blades." Additionally, page 5 of the specification, for example, recites that "the anti-static coating applied to the compressor blades facilitates suppressing electrostatic attraction of the blades" and "[a]ccordingly, particles dependent on electrostatic attraction for attachment to the compressor blades are neutralized and flow through the engine, thus reducing a rate of formation of particulate matter within the engine." Applicants therefore respectfully submit that one skilled in the art would not need to perform undue experimentation to determine what constitutes an anti-static liquid, but rather could duplicate the invention using any liquid that neutralizes particles dependent upon electrostatic attraction. Moreover, in contrast to the assertion that the specification "does not provide guidance with respect to any working examples (species) of anti-static liquids", the specification recites at pages 4 and 5, for example, that "[i]n one embodiment, the second liquid is a water-soluble, anti-static liquid, such as an antistatic agent commercially available from Dongnam Chemical Industries, Ltd., Inchon, Korea." Applicants' specification therefore provides an example of a liquid that falls within the scope of anti-static liquid.

Accordingly, Applicant submits that Claims 6, 7, and 9-16 satisfy the requirements of Section 112, first paragraph.

The rejection of Claims 6, 7 9-12, and 13-16 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

The Examiner asserts that Claims 6, 7, 9-12, and 14-16 are "incomplete for omitting essential elements, such omission amounting to a gap between the elements." However, independent Claims 6 and 12 have each been amended to positively recite a second fluid, such that both Claims 6 and 12 recite "a first fluid contained within a first reservoir" and "a second fluid contained within one of the first reservoir and a second reservoir". Moreover, both Claims 6 and 12 have been amended to recite "wherein one of said first and second fluids comprises an anti-static liquid that facilitates reducing a rate of formation of particulate matter within the gas turbine engine." Accordingly, Applicants respectfully submit that Claims 6, 7, 9-12, and 14-16 satisfy the requirements of Section 112, first paragraph.

The rejection of Claims 6, 7, 9-12, and 14-16 under 35 U.S.C. 102(b) as being anticipated by Hodgens, II, et al. (4,713,120) is respectfully traversed.

Hodgens, II et al. do not describe nor suggest an apparatus for a gas turbine engine including a washing system that includes an anti-static liquid, as recited in Claim 6. Accordingly, for at least the reasons set forth above, Claim 6, 7, and 9-11 are submitted to be patentable over Hodgens, II et al.

Hodgens, II et al. do not describe nor suggest a gas turbine engine washing system including an anti-static liquid, as recited in Claim 12. Accordingly, for at least the reasons set forth above, Claims 12 and 14-16 are submitted to be patentable over Hodgens, II et al.

The rejection of Claims 6, 7, 9-2, and 14-16 under 35 U.S.C. 102(b) as being anticipated by Bartos, et al. (4,059,123) is respectfully traversed.

Bartos et al. do not describe nor suggest an apparatus for a gas turbine engine including a washing system that includes an anti-static liquid, as recited in Claim 6. Accordingly, for at least the reasons set forth above, Claims 6, 7, and 9-11 are submitted to be patentable over Bartos et al.

Bartos et al. do not describe nor suggest a gas turbine engine washing system including an anti-static liquid, as recited in Claim 12. Accordingly, for at least the reasons set forth above, Claims 12 and 14-16 are submitted to be patentable over Bartos et al.

Please see the Amendment mailed on June 6, 2005 at pages 4 to 10 for more detail.